



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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Seattle, Washington 98101-3140

JUL 14 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

The Honorable Merlin Smedley
Mayor of Burley
P.O. Box 1090
Burley, Idaho 83318

Re: City of Burley Industrial WWTP
NPDES Permit Number ID-000066-3

Dear Mayor Smedley:

On March 31, 2009, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Burley, Idaho ("City") for its industrial wastewater treatment facility ("Facility"), NPDES Permit Number ID-000066-3 ("Permit"). The Permit became effective on June 1, 2009 and expired on May 31, 2014. Subsequently, EPA administratively extended the Permit. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the inspection of the Facility conducted by EPA on March 8, 2016. The purpose of the inspection was to determine the City's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

EPA reviewed DMRs from June 2015 through June 2016 and identified effluent limitation exceedances that constitute 98 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).

MARCH 2016 INSPECTION

VIOLATIONS

1. Part II.A.4 of the Permit states, "The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP."

Part II.B.5.a of the Permit states, "The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters."

At the time of the inspection, the inspector found that the Facility implemented the Quality Assurance (QA) plan in November 2009, and the Best Management Practices (BMP) plan in January 2012. According to Mr. Dee Hodges, the Facility representative, the Facility has undergone upgrades and changes to personnel, operations, and sample locations since the QA and BMP plans were developed. Failure to update the QA plan and BMP plan are violations of Parts II.A.4 and II.B.5.a of the Permit.

2. Part III.G.2 of the Permit states, "The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above."

Part III.G.2.b of the Permit states that the written submission must contain "the period of noncompliance, including exact dates and times."

Part III.H of the Permit states, "The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting")."

At the time of the inspection, the inspector noted that the Facility submitted two noncompliance reports (September 2015 and December 2015); however, the reports did not include specific dates and times of the noncompliance. Further, the Facility did not submit a noncompliance report with the September 2015 DMR in response to the exceedance during the month. Failure to submit the required reports, or complete reports, are violations of Parts III.G.2, Part III.G.2.b, and Part III.H of the Permit.

3. Part IV.E of the Permit states, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit."

At the time of the inspection, the inspector noted that airflow from the laterals along the surface of zones A and B of the aeration basin were not uniform. The inspector also noticed solid build-up outside of the outside of the outer baffle ring, as well as the weirs of the north and south clarifiers. Mr. Hodge said that there were a few possibilities as to what could be causing the issue including; the contour of the basin, pressure build-up at the north end of the lateral, or damaged laterals. Failure to properly operate and maintain the aeration basin and clarifiers is a violation of Part IV.E of the Permit.

AREA OF CONCERN

1. Part V.E of the Permit states, in part, "All applications, reports or information submitted to EPA and IDEQ must be signed and certified..."

Part III.F of the Permit states, "The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, on site for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time."

At the time of the inspection, the inspector noted that the Facility did not have signed and certified copies of the NPDES renewal application and BMP plan on-hand. Mr. Hodges told the inspector that City Hall did not always return documents to the Facility once signed by the Mayor. The Facility must maintain signed and certified copies of the required documents on-site.

2. Part V.E.4 of the Permit requires that any person signing a document under this part must certify, in part, "Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

At the time of the inspection, the inspector reviewed the Facility's bench sheets, calculation tables, and chain-of-custody documents, as a result he found inaccuracies and calculation errors in the effluent quantities and loadings reported on the August 2015 DMR. Some of the inaccuracies appear to be a simple matter of number transposition while others are due to calculation errors. The inaccuracies and calculation errors DID NOT result in unreported effluent exceedances. It might be prudent for the Facility to provide additional effluent calculation training to its personnel to reduce the possibility of future mathematical error.

3. Part IV.E of the Permit states, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit."

At the time of the inspection, the inspector noted an ultrasonic flowmeter attached to the influent pipe. Mr. Hodge stated that the meter had been installed approximately two and a half years previously and had not been calibrated since installation. A representative

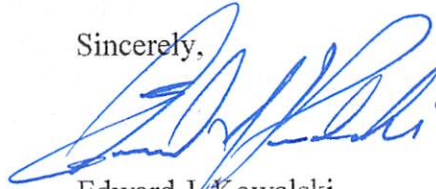
from Aqua Environmental Services, Inc., a contractor that provides calibration and other services to wastewater treatment facilities, told Mr. Hodge that since the meter clamps directly onto the influent pipe calibration is unnecessary. The inspector recommended the Facility review the operator's manual to ensure the meter is operated and maintained according to the manufacturer's instructions. In addition, if the meter does not require calibration, the Facility should revise the QA plan to reflect such. A copy of the operator's manual should also be included with the QA plan.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure B).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
Idaho Department of Environmental Quality
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Mr. David Anderson
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Mr. Dee Hodge
Director, Wastewater Operations
City of Burley, Idaho
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